

**EXPLANATION OF AMENDMENTS IN RESPONSE  
TO OFFICE ACTION AND EXAMINER INTERVIEW**

Claims 3-11 are pending in the present application. Independent Claim 3 has been amended to overcome a rejection under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 6-8 and 10 have been amended to reflect amendments in claim 3, and claims 4, 5, 9 and 11 have been cancelled.

With respect to all amendments, Applicant has not dedicated or abandoned any unclaimed subject matter and, moreover, has not acquiesced to any rejections and/or objections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

**Claim Objections Under 35 C.F.R. § 1.75(c)**

**Arguments**

The Examiner has objected to Claims 9 and 11 are objected under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicant has noted the objections in the Office Action. Because claims 9 and 11 have been cancelled, the objection is considered moot.

### **Claim Rejections Under 35 U.S.C. § 112**

#### **Arguments**

The Examiner has rejected claims 3-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has noted the objections in the Office Action. For the following reasons, Applicant respectfully traverses the rejections.

Applicant respectfully requests that Examiner consider the following, which render Applicant's device definite under 35 U.S.C §112, second paragraph:

1. Examiner has rejected claim 3 because the function of a recited theoretical amplitude density function  $P(r,n)$  was indefinitely recited. Applicant has amended claim 3 to recite a definite function, as designated in Eq. 1 on page 10 of Applicant's specification.
2. Examiner has also rejected claim 3 for failing to include how recited function  $P(r,n)$  is operative with the decision means to generate an analyte output signal because claim 3 does not recite an active zone. Applicant has amended claim 3 to recite an active zone, as described in paragraph 21 of the Specification; specifically, that an active zone is "the space between electrode pairs" on a SAW device.
3. Further, Examiner has rejected claim 3 for failing to properly relate the amplitude density function  $P(r,n)$  to a surface acoustic wave (SAW) device, as described on

page 10 of Applicant's specification because claim 3 does not recite a SAW device.

Applicant has amended claim 3 to recite a SAW device.

4. Applicant has cancelled claims 4 and 5. In doing so, Applicant has recited the limitations of claims 4 and 5 in claim 3; specifically a recitation of a "surface acoustic wave (SAW) device as in cancelled claim 4, and an "active zone", as in cancelled claim 5.
5. Examiner has also rejected claim 3 for failing to fully describe and recite the area of the active zone and the total area of the surface of the SAW device, as necessary to establish element p in theoretical amplitude density function  $P(r,n)$ . Applicant has further amended claim 3 to define the "area of the active zone" as  $\mu_{\text{active}}$  and the "total area of the surface of the SAW device" as  $\mu_{\text{total}}$ , as described on page 10 of Applicant's specification.

### **REMARKS**

Applicant respectfully requests that the Examiner consider the arguments set forth above and the amendments to the claims and pass the application to allowance.

Pursuant to 37 C.F.R. §1.121(f), Applicant affirms that no new matter has been added.

### **CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: 1 December 2008

Respectfully submitted,

/J. Eric Anderson/

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